

IN THE UNITED STATES DISTRICT COURT
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

ORIX FINANCIAL SERVICES, INC.

PLAINTIFF

vs.

No. 1:04CV327-D-A

ALLIED WORLD ASSURANCE
COMPANY (U.S.), INC.; et al.

DEFENDANTS

ORDER GRANTING PLAINTIFF'S MOTIONS TO DISMISS, DENYING
DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT,
AND DENYING DEFENDANT'S MOTION TO DISMISS

Pursuant to an opinion issued this day, it is hereby ORDERED that

- (1) the Plaintiff's motions to dismiss (docket entries 13, 15) are GRANTED;
- (2) the Defendants Work and Waide's counterclaims for fraud, violation of the Truth In Lending Act, violation of the Uniform Commercial Code, and breach of an oral agreement are hereby DISMISSED WITH PREJUDICE, and their counterclaim for malicious prosecution is DISMISSED WITHOUT PREJUDICE;
- (3) the Defendants Work and Waide's motions for summary judgment (docket entries 24, 74) are DENIED; and
- (4) the Defendant Allied World Assurance Company's motion to dismiss (docket entry 43) is DENIED.

SO ORDERED, this the 9th day of August 2005.

/s/ Glen H. Davidson
Chief Judge